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In re Application of	:	
ALLEN et al.	:	
U.S. Application No.: 09/555,993	:	
PCT No.: PCT/US98/18785	:	DECISION ON
International Filing Date: 10 September 1998	:	
Priority Date: 25 September 1997	:	DECLARATION
Attorney's Docket No.: Allen 1-2-1	:	
For: DRAW CONSTANT DOWNFEEED	:	
PROCESS	:	

This application is before the PCT Legal Office on consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 10 September 1998, applicants filed international application PCT/US98/18785 which designated the United States. On 01 April 1999, a copy of the international application was transmitted to the United States Patent and Trademark Office ("USPTO") by the International Bureau.

On 11 February 1999, a Demand was filed with the International Preliminary Examining Authority electing the United States prior to the expiration of 19 months from the priority date. As a result, the deadline for entry into the U.S. national stage would expire 30 months from the priority date, i.e., 25 March 2000.

On 07 June 2000, applicants filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*: the basic national fee and a petition to revive under 37 CFR 1.137(b). The transmittal letter noted that the international application had already been transmitted by the International Bureau. On 24 August 2000, the petition to revive was granted.

On 11 September 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required along with the surcharge for filing the oath or declaration after the thirty month period.

On 05 October 2000, applicants filed a "Response To Notice To File Missing Parts of

Application" accompanied by an executed declaration.

On 21 November 2000, the United States Designated/Elected Office mailed an Notification of Acceptance to applicants.

DISCUSSION

The international application indicated that the inventor/applicants for the United States were Martin W. Allen, Lori L. Haskins and Lisa M. Ruger. However, the declaration submitted on 05 October 2000 was signed by Lisa R. DeJoseph and noted below the signature, "formerly Lisa M. Ruger" and is unacceptable at this time. A Petition under 37 CFR 1.182 to change the name of the third inventor must be filed requesting that the name of inventor Lisa M. Ruger be changed to Lisa R. DeJoseph. Under MPEP Section 605.04(c), "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order".

CONCLUSION

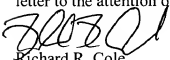
The declaration submitted on 05 October 2000 is unacceptable.

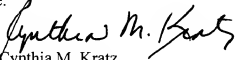
The Notification of Acceptance mailed on 21 November 2000 is hereby VACATED.

A petition under 37 CFR 1.182 requesting a change in inventor 's name, from Lisa M. Ruger to Lisa R. DeJoseph, is required along with the appropriate petition fee.

The application will be held in the PCT Legal Office to await a proper response. A proper response must be filed within ONE (1) MONTH from the mail date of this decision. Failure to file a proper response in a timely manner will result in ABANDONMENT of the application. Extensions of time are not available.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.


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